

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

**EAGLE VIEW TECHNOLOGIES, INC.,
and PICTOMETRY INTERNATIONAL
CORP.,**

Plaintiffs,

v.

NEARMAP US, INC.,

Defendant.

**EAGLE VIEW TECHNOLOGIES, INC.,
and PICTOMETRY INTERNATIONAL
CORP.,**

Plaintiffs,

v.

GAF MATERIALS, LLC,

Defendant.

[PROPOSED] SCHEDULING ORDER

Case No.: 2:21-cv-00283 (Consolidated)

Judge Ted Stewart

Magistrate Judge Daphne A. Oberg

The Court schedules the following matters. The parties may not modify the times and deadlines set forth herein without the approval of the Court and on a showing of good cause pursuant to Fed. R. Civ. P. 6.

ALL DEADLINES ARE SET FOR 11:59 P.M. ON THE DATE INDICATED UNLESS EXPRESSLY STATED TO THE CONTRARY

(1) PRELIMINARY MATTERS/DISCLOSURES

Event	Original Deadline	Proposal for Consolidation
Plaintiff's Accused Instrumentalities disclosure due [LPR 2.1]	December 6, 2021	December 6, 2021 (Nearmap) April 11, 2022 (GAF)
Last day to hold Rule 26(f)(1) Conference and begin discovery [LPR 1.2, 1.3]	January 3, 2022	January 3, 2022 (Nearmap) April 14, 2022 (GAF)
Plaintiff's Rule 26(a)(1) initial disclosure due [LPR 2.2]	January 7, 2021	January 7, 2022 (Nearmap) April 15, 2022 (GAF)
Defendant's Rule 26(a)(1) initial disclosure due [LPR 2.2]	January 14, 2022	January 14, 2022 (Nearmap) April 22, 2022 (GAF)
Plaintiff serves Initial Infringement Contentions [LPR 2.3]	February 10, 2022	February 10, 2022 (Nearmap) May 5, 2022 (GAF)
Defendant serves Initial Non-Infringement, Unenforceability, and Invalidity Contentions [LPR 2.4]	February 24, 2022	February 24, 2022 (Nearmap) May 19, 2022 (GAF)
Final Infringement Contentions [LPR 3.1]	June 30, 2022	June 30, 2022 (to Nearmap) July 29, 2022 (to GAF)
Final Unenforceability and Invalidity Contentions [LPR 3.1]	July 14, 2022	July 14, 2022 (Nearmap) August 12, 2022 (GAF)
Final Non-Infringement Contentions [LPR 3.2]	July 28, 2022	July 28, 2022 (Nearmap) August 26, 2022 (GAF)

Event	Current Deadline	Proposal for Consolidation
Deadline to serve written discovery before claim construction [R. 34]	July 26, 2022	August 26, 2022 (Nearmap and GAF)
Close of fact discovery before claim construction [LPR 1.3(a)]	September 8, 2022	October 4, 2022 (Nearmap and GAF)
Disclosure of intent to rely on opinions of counsel and materials in support [LPR 1.3(c)]	7 days after claim construction ruling	7 days after claim construction ruling
Deadline to file motion for additional discovery [LPR 1.3(b)]	14 days after claim construction ruling	14 days after claim construction ruling

(2) AMENDMENT OF PLEADINGS/ADDING PARTIES

Event	Date
Last day to file motion to amend pleadings	September 14, 2022 (Nearmap); October 14, 2022 (GAF)
Last day to file motion to add parties	September 14, 2022 (Nearmap); October 14, 2022 (GAF)

(3) CLAIM CONSTRUCTION PROCESS

Event	Current Deadline	Proposal for Consolidation
Parties exchange proposed claim terms and claim constructions for construction	August 11, 2022	September 9, 2022 (Nearmap and GAF)
Reach agreement to submit no more than 10 terms for construction [LPR 4.1(b)]	August 18, 2022	September 16, 2022 (Nearmap and GAF)
Parties file Cross-Motions for Claim Construction and Joint Appendix [LPR 4.2(a) & (b)]	September 15, 2022	October 14, 2022 (Nearmap and GAF)
Parties file Simultaneous Responsive Claim Construction Briefs [LPR 4.2(c)]	October 6, 2022	November 4, 2022 (Nearmap and GAF)

Event	Current Deadline	Proposal for Consolidation
Joint Claim Construction Chart & Joint Status Report Due [LPR 4.2(f)]	October 13, 2022	November 11, 2022 (Nearmap and GAF)
Tutorial for Court [LPR 4.4]	October 20, 2022	November 18, 2022 (Nearmap and GAF)
Parties exchange exhibits [LPR 4.3]	7 days before claim construction hearing	7 days before claim construction hearing
Claim Construction Hearing ¹ [LPR 4.3]	TBD	TBD

(4) EXPERT DISCOVERY

Event	Date
Parties bearing burden of proof [LPR 5.1(b)]	28 days after claim construction ruling
Counter reports [LPR 5.1(c)]	56 days after claim construction ruling
Close of expert discovery [LPR 5.2]	91 days after claim construction ruling

(5) DISPOSITIVE MOTIONS

Event	Current Deadline	Proposal for Consolidation
Deadline to file dispositive motions required to be filed with claim construction [LPR 6.2, at Opening CC Briefing]	September 15, 2022	October 14, 2022 (Nearmap and GAF)
Deadline to file opposition to dispositive motions filed with claim construction [LPR 6.2, DUCivR 56-1, 7-1, 28 days from Dispositive Motion]	October 13, 2022	November 11, 2022 (Nearmap and GAF)
Deadline to file reply to dispositive motions filed with claim construction [LPR 6.2, DUCivR 56-1, 7-1, 14 days from Opposition]	October 27, 2022	November 30, 2022 (Nearmap and GAF)

¹ Parties should contact the Court to set the date for the Claim Construction Hearing

Deadline for filing partial or complete motions to exclude expert testimony	105 days after claim construction ruling	105 days after claim construction ruling
Deadline for filing dispositive or potentially dispositive motions [LPR 6.1, 28 days from Close of Expert Discovery]	119 days after claim construction ruling	119 days after claim construction ruling

(6) SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION/OTHER PROCEEDINGS

Event	Yes/No
Likely to request referral to a Magistrate Judge for settlement conference	No
Likely to request referral to court-annexed arbitration	No
Likely to request referral to court-annexed mediation	No
Last day to seek stay pending reexamination [LPR 3.5]	August 11, 2022 (Nearmap and GAF)
The parties will complete private mediation/arbitration by:	TBD
The parties will evaluate case for Settlement/ADR on:	TBD
Settlement probability:	Low

Plaintiff is directed to file a new scheduling order within 14 days of ruling on claim construction. The Court will set trial deadlines in that order or through a case management conference.

(8) OTHER MATTERS

All Motions in Limine should be filed well in advance of the Final Pretrial Conference.

Signed _____

BY THE COURT:

